



## **PLANNING DIRECTOR'S HEARING AGENDA**

**WEDNESDAY, August 23, 2006**

9:00 a.m.  
City Council Chambers  
City Hall

200 East Santa Clara Street  
San Jose, California 95113-1905

### **Hearing Officers**

**Susan Walton, Principal Planner**

**Mike Enderby, Acting Principal Planner**

**Joseph Horwedel, Acting Director  
Planning, Building, and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **August 23, 2006**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

**Note:** If you have any agenda changes, please contact Gina Robles ([gina.robles@sanjoseca.gov](mailto:gina.robles@sanjoseca.gov)).

## **AGENDA**

### **ORDER OF BUSINESS**

#### **1. DEFERRALS**

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

**The matter of deferrals is now closed.**

#### **2. CONSENT CALENDAR**

##### **NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **TR06-090. Tree Removal Permit** request to legalize the removal of an already removed Pine tree, 90 inches in circumference, and to provide for required tree replacement, on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1457 Hester Avenue (Larson Dale G And Kennedy Deborah J, Owner). Council District 6. CEQA: Exempt. **Deferred from 8/9/06.**
- b. **H05-010. Site Development Permit** to convert an existing single-family residence into a two-family residence by constructing an addition containing 1,365 square feet, on a 0.20 gross acre site in the R-2 Two-Family Residence Zoning District, located on the west side of North 34th approximately 295 feet south of McKee Road (247 N 34TH ST) (Martins Serafim L And Maria C, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.
- c. **SP06-051. Special Use Permit** request to replace an existing detached garage with a 638 square-foot detached garage to a legal non-conforming single-family residence on a 0.09 gross acre site in the LI Light Industrial Zoning District, located on the south side of Asbury Street, approximately 150 feet westerly of Stockton Avenue (722 ASBURY ST) (Omodt Michael J, Owner). Council District 6. SNI: None. CEQA: Exempt.
- d. **PDA96-038-01. Planned Development Permit Amendment** to remove three existing parking spaces and install a 3,000 gallon nitrogen tank in a 322 sq.ft. enclosure at an existing industrial property on a 12.8 gross acre site in the A(PD) Planned Development Zoning District, located at/on the southeast corner of Baytech

Drive and Fortran Court (130 BAYTECH DR). Council District 4. SNI: None. CEQA: Exempt.

- e. The projects being considered are located on the northeast corner of Southwest Expressway and Fruitdale Avenue (1451 FRUITDALE AV), in the A(PD) Planned Development Zoning District (HUDSON DANIEL E ET AL, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.
  - 1. **PD06-016. Planned Development Permit** to construct 91 multi-family residential units on a 1.87 gross acre site.
  - 2. **PT06-061. Planned Development Tentative Map Permit** to subdivide 1 parcel into 91 lots for residential condominium purposes on a 1.87 gross acre site.
- f. The projects being considered are located on the west side of Willard Av 210 ft southerly of Douglas St (435 S WILLARD AV), in the A(PD) Planned Development Zoning District (MCVAY STEVEN D AND NANCY, Owner/Developer). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.
  - 1. **PD06-027. Planned Development Permit** to construct 6 single-family residences on a 0.42 gross acre site.
  - 2. **PT06-049. Planned Development Tentative Map Permit** to subdivide 1 parcel into 7 lots for single-family residential uses on a 0.42 gross acre site.

**The consent calendar is now closed.**

### **3. PUBLIC HEARING**

- a. **PDA98-052-01. Planned Development Permit Amendment** to allow retaining walls up to 3 feet 6 inches in height to an existing single-family residence on a 0.6 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Cour de Charles, approximately 150' easterly of Rue Mirassou (3561 Cour De Charles) ( Dan and Evelyn Burnham, Owners). Council District 8. SNI: None. CEQA: Exempt. **Deferred from 8/16/06.**
- b. **H06-012. Site Development Permit** to demolish an existing structure and construct a 3000 square foot commercial building on a 0.16 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southwest corner of North Bascom Avenue and Bailey Avenue, approximately 520 feet north of West San Carlos Street (77 N BASCOM AV) (Abtahi Hamid Et Al, Behrooz Aram, Owner/Developer). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt. **Continued from 8/16/06.**
- c. **RA02-002. Reasonable Accommodation Request** to allow a residential service facility for 9 residents including one (1) staff member in a single-family residence on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Castillon Way approximately 100 feet northerly of Kaneko Drive (185 CASTILLON WY) (Sjoblom Paul, Owner). Council District 2. SNI: None. CEQA: Exempt.

- d. **TR06-089.** Legalize the removal of one Palm tree approximately 95 inches in circumference, previously removed without permits, in the R-1-8 Single-Family Residence Zoning District, located on the Westside of Wunderlich Drive, approximately 200 feet north of Black Oak Way (1087 Wunderlich Drive) (Fay and Betty Lew, Owners). Council District 1. CEQA: Exempt.
- e. **TR06-030.** Tree Removal Permit for for one ash tree 70" in circumference on a 0.16 acre single family lot in the A(PD) Planned Development zoning district, located on the south side of Albemar Court, approximately 200 feet east of Tenley Drive (3150 Albemar Court) (Silvia Espinoza, Owner). Council District 8. CEQA: Exempt.
- f. **SP06-053.** Special Use Permit to demolish one single-family residence and five ancillary buildings for a single-family detached residential development on a 10.9 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of San Felipe Road approximately 300 feet southerly of Yerba Buena Road (4969 San Felipe Road) (Dale Nakashima, Owner). Council District 8. SNI: None. CEQA: Use of Negative Declaration.
- g. **TR06-098. Tree Removal Permit** to remove one Monterey Pine, approximately tree 67 inches in circumference, on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of Fuller Avenue, approximately 100 feet east of Bird Avenue (574 Fuller Avenue) (Longinetti Robert L Trustee, Owner). Council District 6. CEQA: Exempt.

**This concludes the Planning Director's Hearing for August 23, 2006. Thank you.**

PLANNING DIRECTOR'S AGENDA ON THE WEB:  
<http://www.sanjoseca.gov/planning/hearings/default.asp>  
PUBLIC INFORMATION COUNTER  
(408) 535-7800 CITY OF SAN JOSE